



Health Care Appropriations Committee

**Tuesday, April 4, 2006
4:30 p.m. – 5:15 p.m.
Morris Hall (17 HOB)**

Action Packet

COMMITTEE MEETING REPORT
Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Aaron Bean (Chair)	X		
Kevin Ambler	X		
Anna Benson	X		
Dean Cannon	X		
Frank Farkas			X
Bill Galvano	X		
Anne Gannon	X		
Rene Garcia	X		
Hugh Gibson	X		
Michael Grant	X		
Denise Grimsley	X		
Dorothy Hukill	X		
Dave Murzin	X		
Curtis Richardson	X		
Yolly Roberson	X		
Eleanor Sobel	X		
Totals:	15	0	1

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 611 : Patient Records

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon	X				
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 1067 CS : State Long-Term Care Ombudsman Program

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon			X		
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 13 Total Nays: 0					

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 1157 CS : Dental Charting

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon	X				
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT
Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 1231 CS : Child Care

☒ *Favorable*

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon			X		
Frank Farkas			X		
Bill Galvano				X	
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 12 Total Nays: 0					

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 1325 CS : Controlled Substances

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon			X		
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia			X		
Hugh Gibson			X		
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson				X	
Yolly Roberson			X		
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 9 Total Nays: 0					

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 7073 : Health Care Information

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon	X				
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 7083 : Programs of the Department of Children and Family Services

☒ Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon	X				
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 14		Total Nays: 0			

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT

Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

HB 7125 : Medical Records

☒ Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Kevin Ambler	X				
Anna Benson	X				
Dean Cannon	X				
Frank Farkas			X		
Bill Galvano	X				
Anne Gannon	X				
Rene Garcia	X				
Hugh Gibson	X				
Michael Grant	X				
Denise Grimsley	X				
Dorothy Hukill			X		
Dave Murzin	X				
Curtis Richardson	X				
Yolly Roberson	X				
Eleanor Sobel	X				
Aaron Bean (Chair)	X				
Total Yeas: 14 Total Nays: 0					

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

COMMITTEE MEETING REPORT
Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

Other Business Appearance:

HB 1157

Kevin Sweeny, Legislative Aide to Rep. Stan Mayfield - Information Only
District 80

HB 1157

Ron Watson (Lobbyist) (General Public) - Proponent
Florida Dental Association
118 East Jefferson Street
Tallahassee Florida 32301
Phone: (850) 224-1089

HB 1157

Rhett O'Doski (Lobbyist) - Information Only
111 East College Avenue
Tallahassee Florida 32301
Phone: (850) 577-0398

HB 7125

Michael Jackson, R.Ph., Executive Vice President & CEO (Lobbyist) - Information Only
Florida Pharmacy Association
610 North Adams Street
Tallahassee Florida 32301
Phone: (850) 222-2400

COMMITTEE MEETING REPORT
Health Care Appropriations Committee

4/4/2006 4:30:00PM

Location: Morris Hall (17 HOB)

Summary:

Health Care Appropriations Committee

Tuesday April 04, 2006 04:30 pm

HB 611	Favorable	Yeas: 14	Nays: 0
HB 1067 CS	Favorable	Yeas: 13	Nays: 0
HB 1157 CS	Favorable	Yeas: 14	Nays: 0
HB 1231 CS	Favorable	Yeas: 12	Nays: 0
HB 1325 CS	Favorable	Yeas: 9	Nays: 0
HB 7073	Favorable	Yeas: 14	Nays: 0
HB 7083	Favorable	Yeas: 14	Nays: 0
HB 7125	Favorable	Yeas: 14	Nays: 0

Committee meeting was reported out: Tuesday, April 04, 2006 5:55:43PM

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

Bill No. 7125

COUNCIL/COMMITTEE ACTION

ADOPTED	___ (Y/N)
ADOPTED AS AMENDED	___ (Y/N)
ADOPTED W/O OBJECTION	___ (Y/N)
FAILED TO ADOPT	___ (Y/N)
WITHDRAWN	<input checked="" type="checkbox"/> (Y/N)
OTHER	___

1 Council/Committee hearing bill: Health Care Appropriations
2 Representative Garcia offered the following:

3
4 **Amendment(with title amendment)**

5 Remove line 134 and insert:

6 Section 6. Effective July 1, 2007, section 465.014,
7 Florida Statutes, is amended to read:

8 465.014 Pharmacy technician.--

9 (1) A ~~No~~ person other than a licensed pharmacist or
10 pharmacy intern may not engage in the practice of the profession
11 of pharmacy, except that a licensed pharmacist may delegate to
12 nonlicensed pharmacy technicians registered pursuant to this
13 section those duties, tasks, and functions which do not fall
14 within the purview of s. 465.003(13). All such delegated acts
15 shall be performed under the direct supervision of a licensed
16 pharmacist who shall be responsible for all such acts performed
17 by persons under his or her supervision. A registered pharmacy
18 technician, under the supervision of a pharmacist, may initiate
19 or receive communications with a practitioner or his or her
20 agent, on behalf of a patient, regarding refill authorization
21 requests. A ~~No~~ licensed pharmacist may not ~~shall~~ supervise more

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

22 than one registered pharmacy technician unless otherwise
23 permitted by the guidelines adopted by the board. The board
24 shall establish guidelines to be followed by licensees or
25 permittees in determining the circumstances under which a
26 licensed pharmacist may supervise more than one but not more
27 than three registered pharmacy technicians.

28 (2) Any person who wishes to work as a pharmacy technician
29 in this state shall register by filing an application with the
30 board on a form adopted by rule of the board together with a set
31 of fingerprints, or a form and under procedures specified by the
32 board, and a payment in an amount equal to the costs incurred by
33 the board for the criminal background check of the applicant.
34 The board shall submit the fingerprints provided by an applicant
35 for initial registration to the Department of Law Enforcement
36 for a statewide criminal history check, and the Department of
37 Law enforcement shall forward the fingerprints to the Federal
38 Bureau of Investigation for a national criminal history check of
39 the applicant. For any subsequent renewal of the applicant's
40 registration, the board shall submit the required information
41 for a statewide Department of Law Enforcement criminal history
42 check of the applicant. The board shall register each applicant
43 who has remitted a registration fee set by the board, not to
44 exceed \$50 biennially, has completed the application form and
45 remitted a nonrefundable application fee set by the board, not
46 to exceed \$50, has submitted a set of fingerprints as provided
47 in this subsection, and meets the following requirements:

48 (a) Is at least 18 years of age.

49 (b) Is a high school graduate or equivalent.

50 (c) Within the 5 years preceding application, has had no
51 conviction or pleading of guilt, and has never entered a plea of

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

52 nolo contendere, regardless of adjudication, for a crime that
53 relates to drug trafficking or otherwise directly relates to the
54 functions and duties of a pharmacy technician.

55 (3) A pharmacist whose license to practice pharmacy has
56 been denied, suspended, or restricted for disciplinary purposes
57 is not eligible to be registered as a pharmacy technician.

58 (4) Notwithstanding the requirements of this section or
59 any other provision of law, a pharmacy technician student may be
60 placed in a pharmacy for the purpose of obtaining practical
61 training required by the body accrediting the pharmacy
62 technician training program. A pharmacy technician student shall
63 wear identification that indicates his or her student status
64 when performing the functions of a pharmacy technician, and
65 registration under this section is not required.

66 (5) Notwithstanding the requirements of this section or
67 any other provision of law, a person licensed by the state as a
68 pharmacy intern may be employed as a registered pharmacy
69 technician without paying a registration fee or filing an
70 application with the board to register as a pharmacy technician.

71 (6) As a condition of registration renewal, a pharmacy
72 technician shall complete 20 hours biennially of continuing
73 education courses approved by the board or the American Council
74 on Pharmaceutical Education, of which 4 hours must be via live
75 presentation and 2 hours must be related to the prevention of
76 medication errors and pharmacy law.

77 (7) The board shall adopt rules that require each
78 registration issued by the board under this section to be
79 displayed in such a manner as to make it available to the public
80 and to facilitate inspection by the board.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

81 (8) When the board finds any person guilty of the grounds
82 set forth in subsection (1) of s. 456.072 or of any grounds set
83 forth in this chapter, including conduct constituting a
84 substantial violation of subsection (1) of s. 456.072 or a
85 violation of this chapter that occurred prior to obtaining a
86 license, it may enter an order imposing one or more of the
87 following penalties:

88 (a) Refusal to certify, or to certify with restrictions,
89 an application for registration.

90 (b) Suspension or permanent revocation of a registration.

91 (c) Restriction of registration, including, but not
92 limited to, restricting the registrant from practicing in
93 certain settings, restricting the registrant to work only under
94 designated conditions or in certain settings, restricting the
95 registrant from practicing more than a designated number of
96 hours, or any other restriction found to be necessary for the
97 protection of the public health, safety, and welfare.

98 (d) Imposition of an administrative fine not to exceed
99 \$10,000 for each count or separate offense. If the violation is
100 for fraud or making a false or fraudulent representation, the
101 board shall impose a fine of \$10,000 per count or offense.

102 (e) Issuance of a reprimand or letter of concern.

103 (f) Placement of the registrant on probation for a period
104 of time and subject to such conditions as the board may specify.
105 Those conditions may include, but are not limited to, requiring
106 the registrant to undergo treatment, attend continuing education
107 courses, or satisfy any terms which are reasonably tailored to
108 the violations found.

109 (g) Corrective action.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

110 (h) Imposition of an administrative fine in accordance
111 with s. 381.0261 for violations regarding patient rights.

112 (i) Requirement that the registrant undergoes remedial
113 education.

114
115 In determining what action is appropriate under this subsection,
116 the board shall first consider what sanctions are necessary to
117 protect the public or to compensate the patient. Only after
118 those sanctions have been imposed may the board consider and
119 include in the order requirements designed to rehabilitate the
120 registrant. All costs associated with compliance with orders
121 issued under this subsection are the obligation of the
122 registrant.

123 (9) Notwithstanding subsection (8), if the ground for
124 disciplinary action is the first-time failure of the registrant
125 to satisfy continuing education requirements established by the
126 board, the board shall issue a citation in accordance with s.
127 456.077 and assess a fine as determined by rule by the board. In
128 addition, for each hour of continuing education not completed or
129 completed late, the board may require the licensee to take 1
130 additional hour of continuing education for each hour not
131 completed or completed late.

132 (10) In addition to any discipline imposed through final
133 order or citation entered pursuant to this section or discipline
134 imposed through final order or citation entered for a violation
135 of this chapter, the board shall assess costs related to the
136 investigation and prosecution of the case. Such costs related to
137 the investigation and prosecution include, but are not limited
138 to, salaries and benefits of personnel, costs related to the
139 time spent by the attorney and other personnel working on the

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

140 case, and any other expenses incurred by the department for the
141 case. The board shall determine the amount of costs to be
142 assessed after its consideration of an affidavit of itemized
143 costs and any written objections thereto. In any case in which
144 the board imposes a fine or assessment and the fine or
145 assessment is not paid within a reasonable time, such reasonable
146 time to be prescribed by rule of the board or in the order
147 assessing such fines or costs, the department or the Department
148 of Legal Affairs may contract for the collection of, or bring a
149 civil action to recover, the fine or assessment.

150 (11) In addition to or in lieu of any other remedy or
151 criminal prosecution, the department may file a proceeding in
152 the name of the state seeking issuance of an injunction or a
153 writ of mandamus against any person who violates any of the
154 provisions of this chapter, any provision of law with respect to
155 professions regulated by the department or any board therein, or
156 the rules adopted pursuant thereto.

157 (12) In the event the board determines that revocation of
158 a registration is the appropriate penalty, the revocation shall
159 be permanent. However, the board may establish by rule
160 requirements for reapplication by applicants whose registrations
161 have been permanently revoked. Such requirements may include,
162 but shall not be limited to, satisfying current requirements for
163 an initial registration.

164 Section 7. Effective July 1, 2007, paragraph (d) is added
165 to subsection (3) of section 465.015, Florida Statutes, to read:

166 465.015 Violations and penalties.--

167 (3)

168 (d) It is unlawful for a person who is not registered as a
169 pharmacy technician under this chapter to perform the functions

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

170 | of a pharmacy technician or hold himself or herself out to
171 | others as a person who is registered to perform the functions of
172 | a pharmacy technician in this state.

173 | Section 8. Effective July 1, 2007, subsection (5) of
174 | section 465.019, Florida Statutes, is amended to read:

175 | 465.019 Institutional pharmacies; permits.--

176 | (5) All institutional pharmacies shall be under the
177 | professional supervision of a consultant pharmacist, and the
178 | compounding and dispensing of medicinal drugs shall be done only
179 | by a licensed pharmacist. Every institutional pharmacy that
180 | employs or otherwise utilizes registered pharmacy technicians
181 | shall have a written policy and procedures manual specifying
182 | those duties, tasks, and functions which a registered pharmacy
183 | technician is allowed to perform.

184 | Section 9. Effective July 1, 2007, section 465.0196,
185 | Florida Statutes, is amended to read:

186 | 465.0196 Special pharmacy permits.--Any person desiring a
187 | permit to operate a special pharmacy shall apply to the
188 | department for a special pharmacy permit. If the board certifies
189 | that the application complies with the applicable laws and rules
190 | of the board governing the practice of the profession of
191 | pharmacy, the department shall issue the permit. No permit shall
192 | be issued unless a licensed pharmacist is designated to
193 | undertake the professional supervision of the compounding and
194 | dispensing of all drugs dispensed by the pharmacy. The licensed
195 | pharmacist shall be responsible for maintaining all drug records
196 | and for providing for the security of the area in the facility
197 | in which the compounding, storing, and dispensing of medicinal
198 | drugs occurs. The permittee shall notify the department within
199 | 10 days of any change of the licensed pharmacist responsible for

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

such duties. Every permittee that employs or otherwise utilizes
registered pharmacy technicians shall have a written policy and
procedures manual specifying those duties, tasks, and functions
which a registered pharmacy technician is allowed to perform.

Section 10. Effective July 1, 2007, subsection (1) of
section 465.0197, Florida Statutes, is amended to read:

465.0197 Internet pharmacy permits.--

(1) Any person desiring a permit to operate an Internet
pharmacy shall apply to the department for an Internet pharmacy
permit. If the board certifies that the application complies
with the applicable laws and rules of the board governing the
practice of the profession of pharmacy, the department shall
issue the permit. No permit shall be issued unless a licensed
pharmacist is designated as the prescription department manager
for dispensing medicinal drugs to persons in this state. The
licensed pharmacist shall be responsible for maintaining all
drug records and for providing for the security of the area in
the facility in which the compounding, storing, and dispensing
of medicinal drugs to persons in this state occurs. The
permittee shall notify the department within 30 days of any
change of the licensed pharmacist responsible for such duties.
Every permittee that employs or otherwise utilizes registered
pharmacy technicians shall have a written policy and procedures
manual specifying those duties, tasks, and functions which a
registered pharmacy technician is allowed to perform.

Section 11. Except as otherwise provided herein, this act
shall take effect July 1, 2006.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

===== T I T L E A M E N D M E N T =====

Remove line(s) 2-19 and insert:

An act relating to health care; amending s. 456.057, F.S.;
providing definitions; requiring a health care
practitioner's employer who is a records owner and a
records custodian to comply with specified requirements
for confidentiality and disclosure; amending s. 456.42,
F.S.; providing requirements for prescriptions of
medicinal drugs by health care practitioners that are
electronically generated and transmitted; creating s.
456.43, F.S.; regulating electronic prescribing for
medicinal drugs; providing restrictions for electronic
prescribing software; providing definitions; authorizing
electronic prescribing software to show information
regarding a payor's formulary under certain circumstances;
amending s. 465.025, F.S.; specifying requirements for a
prescriber to prevent generic substitution for brand name
drugs when a prescription is electronically transmitted
and generated; amending s. 381.028, F.S.; correcting a
cross-reference; amending s. 465.014, F.S.; providing for
the registration of pharmacy technicians; requiring the
Board of Pharmacy to set fees and rules to register
pharmacy technicians; providing for criminal history
checks of applicants; providing qualification
requirements; providing a limitation; exempting pharmacy
technician students and licensed pharmacy interns from
certain registration requirements; providing continuing
education requirements for registration renewal;
authorizing the board to impose specified penalties;

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

Amendment No. (for drafter's use only)

providing requirements relating to penalties; requiring the board to adopt rules relating to certain disciplinary actions; authorizing the board to assess fines; requiring the board to assess costs related to the investigation and prosecution of certain disciplinary cases; authorizing the Department of Health or the Department of Legal Affairs to contract for the collection of or bring a civil action to recover certain fines and assessments; authorizing the department to seek issuance of an injunction or a writ of mandamus against certain persons; providing for revocation of registration; authorizing the board to establish rules relating to requirements for reapplication by certain applicants; amending s. 465.015, F.S.; providing a prohibition for persons not registered as pharmacy technicians; amending ss. 465.019, 465.0196, and 465.0197, F.S.; conforming references; providing effective dates.

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